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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/810,065      | 03/26/2004  | William Blake Kolb   | 55752US019          | 3514             |

7590

07/20/2005

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| EXAMINER |
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RINEHART, KENNETH

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3749

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,065

Applicant(s)

KOLB, WILLIAM BLAKE

Examiner

Kenneth B. Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-18, 24-31, 33, 36-39, 41, 42, 48-54 and 58 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 11, 19-23, 32, 34, 35, 40, 43-47, 55-57 and 59-61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/23/05, 6/02/05, 6/08/05, 6/23/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 6/2/05 have been fully considered and they are partially persuasive. The applicant argues that Foote et al do not carry out a dry converting operation on a "moving substrate of indefinite length". The examiner disagrees as claims in a pending application should be given their broadest reasonable interpretation. As can be seen from figure 6 the sheets used vary in length. Consequently, the examiner does not believe it is unreasonable for the reference to read on the claim limitations. Regarding the rejection under Jackson the applicant argues that Jackson does not show moving a substrate of indefinite length in a close enclosure. As applicant has specifically defined close enclosure in paragraph 39 this rejection has been overcome.

***Information Disclosure Statement***

The information disclosure statement filed 6/23/05 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

The applicant's information disclosure statement indicates that a copy of the search report is enclosed with the 5/23/05 IDS. There is no record of this search report.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 12-18, 24-31, 33, 36-39, 41, 42, 48-54, and 58 are rejected under 35

U.S.C. 102(b) as being anticipated by Foote et al (5536333). Foote et al shows A process for dry converting a moving substrate of indefinite length comprising conveying the substrate through a dry converting station in a close enclosure while supplying the enclosure with one or more streams of conditioned gas flowing at a rate sufficient to reduce materially the particle count in the close enclosure (fig. 1, fig. 6, col. 11, lines 54-58), conveying the substrate through a series of interconnected close enclosures (fig. 1, fig. 6), conveying the substrate in a close enclosure or series of close enclosures through at least a first dry converting station in the process (fig. 1, fig. 6), conveying the substrate in a close enclosure or series of close enclosures through at least a last dry converting station in the process (fig. 1, fig. 6), conveying the substrate in a close enclosure or series of close enclosures from at least a first dry converting station in the process through at least a last dry converting station in the process (fig. 1, fig. 6), conveying the substrate in a close enclosure or series of close enclosures from at least a first dry converting station in the process up to a takeup reel or up to or through a packaging station (120, fig. 1), at least two close enclosures have different pressures, temperatures, average headspaces or average footspaces (col. 12, lines 58-62), maintaining or establishing a positive pressure in at least one close enclosure and maintaining or establishing a negative pressure in at least one other close enclosure (126, 86, fig. 6), supplying conditioned gas streams to each in a series of interconnected close enclosures (74, 76, 78, fig. 6), sealing the moving substrate at the upstream and downstream ends of a series of interconnected close enclosures (fig. 6), maintaining a

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pressure gradient of at least about -0.5 Pa or higher in a close enclosure (col. 11, line 63), maintaining a positive pressure gradient in a close enclosure (86, fig. 6), the total of the average headspace and average footspace in a close enclosure is 10 cm or less (fig. 8), flowing a stream of conditioned gas at a rate sufficient to reduce a close enclosure particle count by 75% or more (col. 11, lines 54-58, fig. 6), flowing streams of conditioned gas at a rate sufficient to reduce the close enclosure particle counts by 90% or more fig. 6, col. 11, lines 54-58), a dry converting station and substrate-handling equipment for conveying the substrate through the dry converting station (fig. 6), the substrate being enveloped in the dry converting station by a close enclosure supplied with one or more streams of conditioned gas flowing at a rate sufficient to reduce materially the particle count in the close enclosure (fig. 1, fig. 6, col. 11, lines 54-58), the substrate is conveyed through a series of interconnected close enclosures (fig. 1, fig. 6), the substrate is enveloped by a close enclosure or series of close enclosures through at least a first dry converting station in the apparatus (fig. 1, fig. 6), the substrate is enveloped by a close enclosure or series of close enclosures through at least a last dry converting station in the apparatus (fig. 1, fig. 6), the substrate is enveloped by a close enclosure or series of close enclosures from at least a first dry converting station in the apparatus through at least a last dry converting station in the apparatus (fig. 1, fig. 6), at least two close enclosures have different average headspaces or average footspaces (126, 186, fig. 6), conditioned gas streams are supplied to each in a series of interconnected close enclosures (fig. 6), seals with respect to the moving substrate at the upstream and downstream ends of a series of interconnected close enclosures (fig. 6), a close enclosure has a pressure gradient of at least about -0.5 Pa or higher (col. 11, line 63), connecting first and second enclosures (86, 76, fig. 6) having a material

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difference in their respective operating pressures via a close enclosure comprising a transition zone (78, fig. 6), there is a ten-fold or greater pressure difference between atmospheres in the first and second enclosures (fig. 6, col. 11, line 63), a close enclosure has a positive pressure gradient (86, fig. 6), wherein there is a ten-fold or greater pressure difference between atmospheres in the first and second enclosures (86, 126, fig. 6), the total of the average headspace and average footspace in a close enclosure is 10 cm or less (fig. 8), conveying the substrate through a dry converting station in a close enclosure while supplying the enclosure with one or more streams of conditioned gas flowing at a rate sufficient to cause a material change in a physical property of interest for the atmosphere in the close enclosure (fig. 6), a dry converting station and substrate-handling equipment for conveying the substrate through the dry converting station, the substrate being enveloped in the dry converting station by a close enclosure supplied with one or more streams of conditioned gas flowing at a rate sufficient to cause a material change in a physical property of interest for the atmosphere in the close enclosure (fig. 6), first and second enclosures (86, 76, fig. 6) having a material difference in their respective operating pressures connected by a close enclosure comprising a transition zone between the first and second enclosures (78, fig. 6).

***Allowable Subject Matter***

Claims 7, 10, 11, 19-23, 32, 34, 35, 40, 43-47, 55-57, 59-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr

  
KENNETH RINEHART  
PRIMARY EXAMINER